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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,457	08/29/2001	Jin-Oh Kwag	6192.0218.AA	5066
7590	06/29/2004		EXAMINER	
McGuireWoods LLP 1750 Tysons Blvd Suite 1800 McLean, VA 22102			RICHARDS, N DREW	
			ART UNIT	PAPER NUMBER
			2815	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/940,457	Applicant(s) KWAG ET AL	
	Examiner N. Drew Richards	Art Unit 2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/3/04 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 recites the limitation "the projections" in line 10. There is insufficient antecedent basis for this limitation in the claim. Claim 6 depends from claim 5 and thus also lacks antecedent basis for "the projections."

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (U.S. Patent No. 6,469,764 B1).

Kim et al. disclose a panel for a liquid crystal display in figures 2 and 3 for example. Kim et al. disclose an insulating substrate 20, a first wire 21 formed on the insulating substrate 20, a second wire 22 intersecting and insulated from the first wire 21 as taught on column 6 lines 49-53, a pixel area defined by the intersecting of the first wire 21 and the second wire 22, a pixel electrode 25 provided in the pixel area, a domain-defining member provided over the insulating substrate and dividing the pixel area into a plurality of domains, and a shading film 24 formed over the insulating substrate and covering a texture around the domain defining member. The domain-defining member is the projections 25b of the pixel electrode and the openings formed between projections 25b. The shading film has a shape different from that of the domain-defining member and overlaps the domain-defining member at least in part. The shading film covers a portion of the domain-defining member, since the shading film outlines and covers a portion of the domain-defining member it also covers the texture around the domain-defining member

With regard to claim 2, the domain-defining member comprises projections 25b projecting outward from pixel electrode 25.

With regard to claim 3, the pixel electrode has an opening pattern between sections 25b and the domain-defining member comprises the opening pattern.

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With regard to claim 4, the domain-defining member comprises the projections and openings of the pixel electrode.

With regard to claim 7, an outline of a portion of the domain-defining member overlapping the shading film is encircled by an outline of the shading film.

***Allowable Subject Matter***

6. Claim 8 is allowed.

7. Claims 5 and 6 were previously indicated as allowable. This was in error.

Original claims 5 and 6 were indicated as containing allowable subject matter and applicant was told that claims 5 and 6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This was originally indicated in the non-final Office Action mailed 9/16/03. In response to the notification of allowable subject matter in these claims, applicant amended claim 5 to be independent and included all the limitations of claim 1. At this point the examiner erroneously indicated in the final Office Action mailed 2/19/04 that claims 5 and 6 were allowed. This was in error as the claim 5 was not amended to contain all the limitations of intervening claim 4 from which claim 5 depended. This oversight resulted in the lack of antecedent basis rejection above. If claim 5 is amended to contain all the limitations of claim 4, from which it originally depended, claims 5 and 6 will become allowable.

***Response to Arguments***

8. Applicant's arguments filed 5/3/04 have been fully considered but they are not persuasive. Applicant has argued that the limitation of claim 9 (added to claim 1 in the proposed amendment) is not taught by Kim et al. Applicant argues that electrode 24 of Kim et al. corresponds to the claimed domain-defining member and not the claimed shading film. This is not persuasive as electrode 24 of Kim et al. has the claimed structure of the shading film and the claim contains no language that precludes the shading film also functioning as a part of the domain-defining member. Thus, the electrode 24 can be properly considered the shading film since it meets all the structural limitations of the shading film as claimed. Applicant also argues that there is no explicit or implied teaching from Kim et al. that the electrode 24 is utilized for covering textures. Though not explicitly stated, the structure shown in figure 3 clearly shows electrode 24 covering a texture around portions of the domain-defining member. Kim et al. may not explicitly recognize the electrode 24 covering a texture, but their structure shows the claimed structure and thus reads on the shading film as claimed.

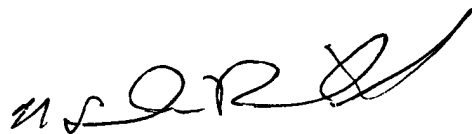
***Conclusion***

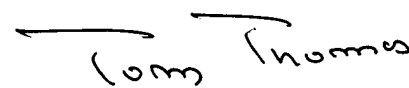
Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Drew Richards whose telephone number is (571) 272-1736. The examiner can normally be reached on M-F 8:00-5:30; Every other Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NDR

  
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